



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2009 REGULAR SESSION

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HOUSE BILL NO. 53

AS ENACTED

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THURSDAY, MARCH 12, 2009

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RECEIVED AND FILED  
DATE March 24, 2009  
11:12am  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Alter

AN ACT relating to the titling of all-terrain vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1        ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO  
2 READ AS FOLLOWS:

3        (1) As used in this section, "all-terrain vehicle" has the same meaning as in KRS  
4        189.010.

5        (2) The titling of all-terrain vehicles shall be administered through the automated  
6        motor vehicle and trailer registration and titling system developed and  
7        implemented under KRS 186A.010.

8        (3) The Transportation Cabinet, shall promulgate administrative regulations  
9        pursuant to KRS Chapter 13A requiring the procedures for titling of all-terrain  
10       vehicles to be consistent as far as practicable, with motor vehicle titling. These  
11       regulations may pertain but shall not be limited to the following:

12       (a) Conditions and characteristics of certificate of title forms;

13       (b) Comparison and identification of identification or serial numbers of all-  
14       terrain vehicles;

15       (c) Application of title;

16       (d) Processing of title applications;

17       (e) Form of certificate of title;

18       (f) Notation of security interests on title;

19       (g) Title lien statements;

20       (h) Transfer of all-terrain vehicle ownership; and

21       (i) Duplicate certificate of title.

22       (4) The Transportation Cabinet shall ensure that the automated motor vehicle and  
23       trailer registration and titling system is capable of receiving and discharging a  
24       lien associated with the owner of an all-terrain vehicle. An all-terrain vehicle  
25       dealer shall not be responsible for the payment of a lien on an all-terrain vehicle

1 which is received as trade-in or otherwise obtained by the dealer.

2 ➔ Section 2. KRS 186A.070 is amended to read as follows:

3 (1) Except as otherwise provided, the state resident owner of a vehicle as defined in  
 4 KRS 186.010(8)(a), manufactured home as defined in KRS 186.650, or trailer  
 5 which will not be operated upon the highways of this state shall within fifteen (15)  
 6 days apply for and obtain a certificate of title in his name. He shall not, however, be  
 7 required to obtain a certificate of registration until the vehicle, manufactured home,  
 8 or trailer is to be operated upon the highways of this state.

9 (2) On or after July 1, 2010, any state resident who purchases an all-terrain vehicle  
 10 as defined in KRS 189.010 shall, apply for and obtain a certificate of title in the  
 11 purchaser's name within fifteen (15) days of purchase. The owner of an all-  
 12 terrain vehicle shall not be eligible to obtain a certificate of registration pursuant  
 13 to KRS 186.020.

14 (3) On or after July 1, 2010, any state resident who owns an all-terrain vehicle and  
 15 creates a security interest on that vehicle shall be required to obtain a certificate  
 16 of title within fifteen (15) days of the creation of the security interest. The  
 17 perfection and discharge of the security interest shall be governed by KRS  
 18 186A.190, 186A.193, 186A.195, 186A.200, 186A.205, 186A.210, and 186A.215.  
 19 The owner of an all-terrain vehicle shall not be eligible to obtain a certificate of  
 20 registration pursuant to KRS 186.020.

21 (4) An all-terrain vehicle shall not be operated upon the roadways of this state,  
 22 except in accordance with KRS 189.515.

23 ➔ Section 3. KRS 186A.130 is amended to read as follows:

24 There shall be paid for issuing and processing documents required by this chapter fees  
 25 according to the following schedule:

26 (1) Each application for a certificate of title shall be nine dollars (\$9), of which the  
 27 county clerk shall retain six dollars (\$6) and the Transportation Cabinet shall

1 receive three dollars (\$3).

2 (2) Each application for a replacement or corrected certificate of title shall be six  
3 dollars (\$6), of which the county clerk shall retain four dollars (\$4) and the  
4 Transportation Cabinet shall receive two dollars (\$2). If a corrected certificate must  
5 be issued because of an error of the county clerk or the Department of Vehicle  
6 Regulation, there shall be no charge.

7 (3) Each application for a speed title shall be twenty-five dollars (\$25), of which the  
8 county clerk shall retain five dollars (\$5) and the Transportation Cabinet shall  
9 receive twenty dollars (\$20).

10 (4) (a) Each application for a certificate of title for an all-terrain vehicle shall be  
11 fifteen dollars (\$15), of which the county clerk shall retain six dollars (\$6)  
12 and the Transportation Cabinet shall receive nine dollars (\$9).

13 (b) Each application for a replacement or corrected certificate of title for an all-  
14 terrain vehicle shall be ten dollars (\$10), of which the county clerk shall  
15 retain four dollars (\$4) and the Transportation Cabinet shall receive six  
16 dollars (\$6). If a corrected certificate must be issued because of an error of  
17 the county clerk or the Department of Vehicle Regulation, there shall be no  
18 charge.

19 ➔Section 4. KRS 186A.245 is amended to read as follows:

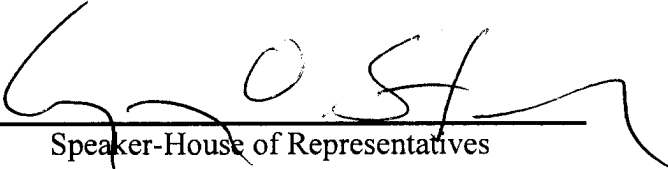
20 (1) If a certificate of title is lost, stolen, mutilated, or destroyed or becomes illegible,  
21 the owner or legal representative of the owner named in the certificate shall  
22 promptly make application to the county clerk for and may obtain a duplicate, upon  
23 furnishing information satisfactory to the Department of Vehicle Regulation. The  
24 duplicate certificate of title shall contain appropriate words or symbols to indicate  
25 that it is a duplicate. Each application for a duplicate certificate of title shall be six  
26 dollars (\$6), of which the county clerk shall retain four dollars (\$4), and the  
27 Transportation Cabinet two dollars (\$2). Each application for a duplicate

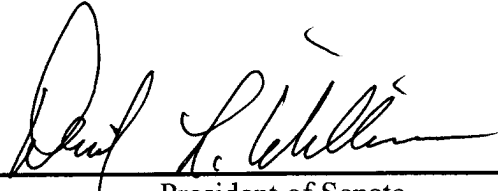
1       *certificate of title for an all-terrain vehicle shall be ten dollars (\$10), of which the*  
2       *county clerk shall retain four dollars (\$4) and the Transportation Cabinet shall*  
3       *receive six dollars (\$6).* It shall be mailed to the owner.

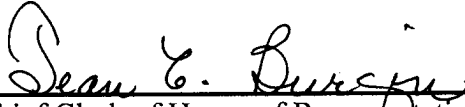
4       (2) The Department of Vehicle Regulation shall make provisions for production and  
5       issuance of a duplicate title if update of information is requested. The provisions  
6       shall be generally consistent with the procedures for production and issuance of a  
7       certificate of title in the first instance as provided in this chapter.

8       (3) A person recovering an original certificate of title for which a duplicate has been  
9       issued shall promptly surrender the original certificate to the Department of Vehicle  
10      Regulation.

11      (4) Application for documents provided for by this section shall be made to the county  
12      clerk upon forms provided to him by the Department of Vehicle Regulation.

  
\_\_\_\_\_  
Speaker-House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date March 24, 2009